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10/070,239

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EXAMINER

HASAN, SYED Y

ART UNIT

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2621

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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/070,239 | Applicant(s) KAWAHARA ET AL. | |
| | Examiner Syed Y. Hasan | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/27/2002, 09/03/2002 and 11/18/2005.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/09/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed with respect to claims 1 – 18 have been fully considered but they are moot in view of new arguments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al (US Pub. 2002/0035664 A1) in view of Frary (US 6100788) in view of J. H. Wilkinson, Sony BPE, U.K. IEE NBSS 6th July, 1999 (the article "LINKING ESSENCE AND METADATA IN A SYSTEM ENVIRONMENT") and further in view of Takayama (US 6519105)

Regarding claim 1, Yates et al discloses, an information recorder comprising:
means for extracting a predetermined standard-defined UMID buried in material signals to be recorded to a replaceable recording medium (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metadata)

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, para 32, the data is stored on a non-volatile memory);

Yates et al fails to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meta data from the tape cartridge.

the writing/reading means writing the UMID extracted by the extracting means to the contactless information storage means as disclosed by Frary (column 3, lines 52-55).

The proposed combination of Yates et al and Frary as discussed does not

disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1, "In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc-based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al and Frary system in order to improve the performance in areas where limited storage capacity is available.

The proposed combination of Yates et al, Frary and Wilkinson as discussed does not disclose data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point.

However, Takayama teaches data being prevented from being written over an existing record (col 21, lines 47 - 49) and data is prevented from being erroneously erased (col 11, lines 65 - 67 and col 12, lines 1 - 5, write-protect) collating end of source point information (fig 6A, col 9, lines 45 - 47, EOD) recorded in the storage means with end of source point information recorded on the replaceable recording medium (fig 2, tape cassette) thereby locating an end of source point (fig 6A, col 9, lines 45 - 47, EOD)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point. as taught by Takayama into the system of Yates et al, Frary and Wilkinson in order to protect the data and locate the end of source point in order to perform data reading/writing operation.

Regarding claim 2, Yates et al. further discloses the apparatus, further comprising:

means for holding the extracted predetermined standard-defined UMID (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape); and

an arranging means for putting the held UMID into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the UMID put in the predetermined data format being written to the contactless information storage means by the writing/reading means. (page 2, paragraph 32, the metadata is stored on the non - volatile storage in virtual tape controller).

Regarding claim 3, Yates et al. discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape)

with omission of a fixed part of the UMID (page 2, paragraph 32, part of the

metadata, the desired ones, are stored on the non-volatile storage);

Regarding claim 4, Yates et al. discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format with the UMID being classified according to a predetermined bit flag (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage);

Regarding claim 5, Yates et al discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape)

with omission of a common part of the UMID (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage)

Regarding claim 6, Yates et al discloses the apparatus further comprising means for restoring the UMID put in the predetermined data format to the predetermined standard-defined UMID (page 2, paragraph 32, all information about the packetization required to reassemble the volume for later use is metadata)

Regarding claim 13, Yates et al. discloses an information recorder comprising:
means for generating, from information other than material signals to be recorded to a replaceable recording medium, a UMID indicating the material signals (page 2, paragraph 32, the meta data is stored on a non-volatile memory) ; and

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, paragraph 32, the library management system intercepts the data to written on a tape when it identifies a meta data)

the writing/reading means writing the generated UMID to the contactless information storage means (page 2, paragraph 32, the non-volatile storage).

Yates et al. fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meat data from the tape cartridge.

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1, "In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc-based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

The proposed combination of Yates et al, Frary and Wilkinson as discussed does not disclose data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point.

However, Takayama teaches data being prevented from being written over an existing record (col 21, lines 47 - 49) and data is prevented from being erroneously erased (col 11, lines 65 - 67 and col 12, lines 1 - 5, write-protect) collating end of source point information (fig 6A, col 9, lines 45 - 47, EOD) recorded in the storage means with end of source point information recorded on the replaceable recording medium (fig 2, tape cassette) thereby locating an end of source point (fig 6A, col 9, lines 45 - 47, EOD)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point. as taught by Takayama into the system of Yates et al, Frary and Wilkinson in order to protect the data and locate the end of source point in order to perform data reading/writing operation.

Regarding claim 14, Yates discloses the apparatus further comprising:

an arranging means for putting the generated UMID into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the UMID put in the predetermined data format being written to the contactless information storage means by the writing/reading means (page 2, paragraph 32, the metadata is stored on the non - volatile storage in virtual tape controller).

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1, "In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

The proposed combination of Yates et al, Frary and Wilkinson as discussed does not disclose data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point.

However, Takayama teaches data being prevented from being written over an

Art Unit: 2621

existing record (col 21, lines 47 - 49) and data is prevented from being erroneously erased (col 11, lines 65 – 67 and col 12, lines 1 – 5, write-protect) collating end of source point information (fig 6A, col 9, lines 45 – 47, EOD) recorded in the storage means with end of source point information recorded on the replaceable recording medium (fig 2, tape cassette) thereby locating an end of source point (fig 6A, col 9, lines 45 – 47, EOD)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point. as taught by Takayama into the system of Yates et al, Frary and Wilkinson in order to protect the data and locate the end of source point in order to perform data reading/writing operation.

Regarding claim 17, Yates discloses an information recording system comprising:

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metada)

Yates et al fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known

Art Unit: 2621

in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al. because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meta data from the tape cartridge.

an information recorder for writing, to the contactless information storage means by the writing/reading means (page 2, para 32, the data is stored on a non-volatile memory);

a UMID extracted from material signals to be recorded and indicating the material signals recorded to the recording medium or a UMID generated from information other than the material signals to be recorded to the recording medium and indicating the material signals (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metadata) and

a UMID storage unit for storing a UMID read from the contactless information storage means appended to or incorporated in each of a plurality of recording mediums (Page 2, para 32, part of the data is stored with each extent and part is stored on non-volatile storage in virtual tape controller)

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1, "In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc-based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

The proposed combination of Yates et al, Frary and Wilkinson as discussed does not disclose data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point.

However, Takayama teaches data being prevented from being written over an existing record (col 21, lines 47 - 49) and data is prevented from being erroneously erased (col 11, lines 65 - 67 and col 12, lines 1 - 5, write-protect) collating end of source point information (fig 6A, col 9, lines 45 - 47, EOD) recorded in the storage means with end of source point information recorded on the replaceable recording medium (fig 2, tape cassette) thereby locating an end of source point (fig 6A, col 9, lines 45 - 47, EOD)

It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2621

invention to incorporate data being prevented from being written over an existing record and data is prevented from being erroneously erased collating end of source point information recorded in the storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point. as taught by Takayama into the system of Yates et al, Frary and Wilkinson in order to protect the data and locate the end of source point in order to perform data reading/writing operation.

Method claims 7 - 12, 15 -16, and 18 are drawn to the method of using the corresponding apparatus claimed in claims 1- 6, 13 -14 and 17 respectively. Therefore method claims 7 - 12, 15 - 16 and 18 corresponding to apparatus claims 1- 6, 13 -14 and 17 respectively are rejected for the same reasons of obviousness as used above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Katò et al (US 6611394) discloses a recording medium, tape drive, and method for identifying type of recording medium.

Sezan et al (US 5956458) discloses a system and method for determining representative frames of video captured by a video camera.

Nagasaki et al (US 6195497) discloses an associated image retrieving apparatus and method.

Lim (US 5506689) discloses a time code format circuit.

Muller (US 4626932) discloses a rotating video head switching control system.

Tachi (US 4175267) discloses method and apparatus of inserting an address signal in a video signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2621

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Y. H.
9/21/2007



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